

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**RECARO NORTH AMERICA, INC.,**

**Plaintiff,**

**CIVIL ACTION NO. 09-12256**

**vs.**

**DISTRICT JUDGE MARIANNE O. BATTANI**

**HOLMBERGS CHILDSAFETY CO. LTD., et al.,**      **MAGISTRATE JUDGE MONA K. MAJZOUN**

**Defendants.**

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**ORDER ON PLAINTIFF'S MOTION TO RE-OPEN PETER MILLER'S DEPOSITION  
AT DEFENDANTS' EXPENSE (DOCKET NO. 111)**

This matter comes before the Court on Plaintiff's Motion to Re-Open Peter Miller's Deposition at Defendants' Expense. (Docket no. 111). Defendants' filed a response. (Docket no. 117). Plaintiff filed a reply. (Docket no. 121). The parties filed a Joint Statement of Resolved and Unresolved Issues. (Docket no. 131). The motion has been referred to the undersigned for action pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 115). The Court heard oral argument on the motion on March 31, 2012. At the conclusion of the hearing, the Court directed Plaintiff to submit proposed orders regarding the outcome of several motions. Plaintiff submitted the proposed orders as requested. Defendants then filed objections to those proposed orders. The motion is now ready for ruling.

Having reviewed and considered all of the briefs and supporting documents submitted in this matter, and having further considered the oral arguments of counsel, Plaintiff's proposed order and Defendants' objections thereto, and being otherwise fully advised of the premises;

**IT IS HEREBY ORDERED:**

1. Peter Miller's deposition is re-opened;
2. The re-opened deposition is limited to exploring documents produced to Plaintiff by Defendants after Mr. Miller's initial deposition, as well as documents produced to Plaintiff by Defendants prior to Mr. Miller's deposition which are implicated by the new documents produced to Plaintiff by Defendants after Mr. Miller's deposition, and is limited to the topics of design and quality issues;
3. Plaintiff is limited to two hours of questioning;
4. Defendants are collectively limited to two hours of questioning;
5. Defendants are responsible for paying the fees and costs incurred by Peter Miller in connection with this re-opened deposition, including but not limited to, Mr. Miller's attorneys' fees if any (and only if Mr. Miller requests payment of fees for his time and expenses in connection with this re-opened deposition); and
6. Plaintiff and Defendants are responsible for payment of their own attorneys' fees and costs incurred in connection with Mr. Miller's re-opened deposition, including, but not limited to, airfare and lodging.

**NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of fourteen days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. § 636(b)(1).

Dated: June 8, 2012

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: June 8, 2012

s/ Lisa C. Bartlett  
Case Manager